

**Receipt of Unsolicited PPEA Proposal and Solicitation of
Competing Proposals For
Nitrogen Reduction Facilities Design and Construction
(Alternative 4A-1 Light, Phase 2 Improvements)**

Hopewell Regional Wastewater Treatment Facility

I. Introduction and Overview

The City of Hopewell, Virginia, ("City") has received an unsolicited proposal pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 ("PPEA"), Va. Code § 56-575.1. et seq. and City Ordinance No. 2010-01, which was adopted on February 9, 2010 to implement local guidelines for the PPEA. A copy of this ordinance is available on the City's website at <http://www.hopewellva.gov>.

Pursuant to the PPEA and these local guidelines, the City gives notice that it has accepted an unsolicited proposal from Hopewell Nutrient Partners and will consider any competing proposals that are submitted to the City by 11:00 a.m., February 18, 2014, to determine whether the City should enter into an Interim or Comprehensive Agreement pursuant to the PPEA for a public-private partnership under which the private proposer would provide Design and Construction of the Hopewell Regional Wastewater Treatment Facility (HRWTF) Alternative 4A-1 Light, Phase 2 Nitrogen Removal Improvements (project).

The HRWTF is a 50 MGD POTW receiving 80% industrial wastewaters from five significant industrial users (a pulp and paper mill, three organic chemical manufacturing facilities, and a water treatment plant). Domestic waste from the City of Hopewell, Fort Lee and parts of Prince George County is discharged to the City's domestic treatment facility for disinfection prior to mixing with the industrial wastewater. The plant discharges to Gravelly Run in Hopewell, which is a tributary to the tidal fresh water portion of the James River.

The HRWTF must reduce the nitrogen contained in its discharge in order to meet its permit limitations for total nitrogen loading and ammonia concentrations contained in its General Nutrient Permit and VPDES permit. Because of the industrial nature of the HRWTF wastewater, traditional nitrification technologies are compromised and alternative technologies or methodologies are needed to remove nitrogen. A preliminary engineering report was completed in September 2012 and revised in September 2013 and provides the unique characteristics of and suggested treatment methodology for the wastewater.

The City invites competing proposals by the deadline of February 18, 2014. The City has determined that the "competitive negotiation" of other than professional services

procurement method, as described in Va. Code § 2.2-4301, will be used to consider the unsolicited proposal and any competing proposals. Under this method, any competing proposers are to submit by the deadline indicated, their conceptual-phase proposals, with contents as prescribed by the PPEA, the City ordinance, and this Receipt of Unsolicited PPEA Proposal and Solicitation of Competing Proposals ("Solicitation"). The evaluation criteria for this procurement are as stated in Section V of this Solicitation.

II. General Description of Proposal Submittal, Evaluation, and Selection Process

The City contemplates that proposal submittal, evaluation, and selection will be a multi-step process. In general terms, in Step I, proposers submit initial conceptual-phase-proposals, the contents of which are described in the PPEA, in the City's ordinance, and in this Solicitation. Proposers should carefully follow all the instructions in this Solicitation to ensure that their proposals are eligible. The City will review the proposals and evaluate them in accordance with the evaluation criteria contained in this Solicitation. The City may ask proposers, individually or collectively, for clarifications or further information, may check references and other information, may meet individually with proposers, in its discretion, and may request oral presentations, or it may base its evaluations on the proposals as submitted. If there are a number of competing proposals, the City may select one or more proposers from Step I as the proposers who are fully qualified and best suited to submit a detailed-phase proposal that best meets the City's needs by a deadline to be specified in the future. Upon receipt of these proposers' detailed-phase proposals, the required contents of which will be prescribed by the PPEA, the City's ordinance, and the invitation to submit detailed-phase proposals, the City will evaluate the detailed-phase proposals, request additional information or clarifications if deemed necessary, and conduct negotiations with each proposer asked to submit a detailed-phase proposal. The City may request oral presentations from the proposers. However, the City may, in its discretion, at any stage, choose just one proposer for negotiations if proposals show only that the proposer is fully qualified or show that that proposer is clearly more qualified and best suited to the City's needs than any others. Or the City may reject any or all proposals at any time, for any reason, solely within the discretion of the City.

III. Instructions to Proposers on Proposal Submission

A. General

1. Submittal of Proposals. To be considered:
 - a) Proposals must be signed in ink by an authorized representative of the proposer, with an original and eight (8) copies provided to the City at the location designated herein.
 - b) Proposals must be complete when submitted, including a completed cover sheet and all attachments along with the applicable fee.

Review Stage	Fee	Minimum	Maximum
Conceptual/Initial	1%	\$2,500.00	\$5,000.00

- c) Proposals shall be submitted to the Office of the City Manager, Room 218, Municipal Building, 300 North Main Street, Hopewell, Virginia 23860 by 11:00 a.m., February 18, 2014. No submittals received after 11:00 a.m. local time will be accepted.
 - d) Proposals are to be submitted in a sealed envelope with the words "Proposal Enclosed" on the face of the envelope and the lower left corner of the face of the envelope shall indicate the title of the proposal ("PPEA Proposal, Alternative 4A-1 Light, Phase 2 Nitrogen Removal Improvements).
 - e) Proposals or any amendments to proposals received by the City after the closing date may not be considered. Actual receipt by the City, and not the mailing or sending date, shall control.
2. Brevity, clarity, and responsiveness in proposals are encouraged. The inclusion of extraneous information not pertinent to the basic purpose of the procurement is discouraged.
 3. The original and eight (8) copies of the proposal must be received before the submission deadline in the format specified. In addition, a review fee, as outlined above and in the City's ordinance shall be paid at the time of submission.
- B. All questions concerning the requirements of this procurement should be sent electronically as follows:
1. Administrative questions shall be addressed to Shayna Johnson, Purchasing Agent, at sjohnson@hopewellva.gov.
 2. Technical questions shall be addressed to Jeanie Grandstaff, Acting Director at jgrandstaff@hopewellva.gov.

The City will attempt to review the written questions and requests for clarification, if any, if submitted by January 28, 2014. To the extent the City decides to respond to such questions and requests for clarification, any and all responses and any supplemental instructions will be in the form of written addenda which, if issued, will be mailed to all proposers. All addenda shall become part of this Solicitation.

IV. Terms and Conditions of this Notification and Invitation

The following terms and conditions apply to this Solicitation, and by submitting its proposal, the proposer agrees to them without exception:

1. Neither this Solicitation nor the City's receipt or consideration of any proposal shall create any contract, express or implied any contractual obligation by the City to any proposer, or any other obligation by the City to any proposer. The City makes no promise, express or implied, regarding whether it will enter into an Interim or Comprehensive Agreement with any proposer or regarding the manner in which it will consider proposals. The City will only be bound by the terms of any Interim or Comprehensive Agreement(s) into which it enters should it choose to enter into any such agreements.
2. The City will not be responsible for any expenses incurred by a proposer in preparing and submitting a proposal, or in engaging in oral presentations, discussions, or negotiations with the City.
3. Proposers may be required to make an oral presentation or oral presentations of their proposal in the City at their own expense. The City will schedule the time and location for these presentations. By submitting its proposal, the offeror agrees to make these representatives reasonably available in the City.
4. The City reserves the right to waive any informalities with respect to any proposal submitted.
5. The City reserves the right to accept or reject any and all proposals received by reason of this Solicitation, in whole or in part, and to negotiate separately in any manner necessary to serve the best interests of the City. This procurement may result in multiple awards to multiple offerors.
6. Generally, proposal documents submitted to public bodies, such as ones submitted to the City, by private entities are subject to the Virginia Freedom of Information Act ("FOIA"). In accordance with Va. Code§ 2.2-3705.6(11), such documents are releasable if requested, except to the extent that they relate to (i) confidential proprietary information submitted to the responsible public entity under a promise of confidentiality or (ii) memoranda, working papers or other records related to proposals if making public such records would adversely affect the financial interest of the public or private entity or the bargaining position of either party. In order for proposers to exclude confidential proprietary information from public release, proposers must (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary. The proposer must also place any confidential proprietary information in a separately bound document labeled "Volume II, Confidential."
7. The City reserves the right to reject any and all proposals without explanation.
8. The provisions of Virginia Code § 2.2-4310 (Discrimination prohibited;

participation of small, women-, minority- and service disabled veteran-owned business) are applicable to this Solicitation, and any procurement pursuant to it by virtue of the PPEA. The City shall not discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment.

9. Every contract shall include the required contract provisions of Virginia Code § 2.2-4311 (Employment discrimination by contractor prohibited; required contract provisions), 2.2-4311.1 (Compliance with federal, state, and local laws and federal immigration law; required contract provisions), 2.2-4311.2 (Compliance with state law; foreign and domestic businesses authorized to transact business in the Commonwealth) and Virginia Code § 2.2-4312 (Drug-free workplace to be maintained by contractor; required contract provisions).

V. Proposal Evaluation and Selection Criteria

The following are the evaluation criteria that the City will be using to evaluate proposals:

1. Qualifications and Experience (20 points)

Factors to be considered in either phase of the review to determine whether the proposer possesses the requisite qualifications and experience will include at a minimum include:

- a) Legal structure or type of the private entity making the proposal. Identify the organizational/leadership structure and team members for the project, the management approach and how each partner in the structure fits into the overall team. Provide names, addresses, and telephone numbers of persons within the private entity who may be contacted for further information.
- b) Experience of the private entity making the proposal and the key principals with similar projects of comparable size and complexity;
- c) List of the private entity's prior projects and clients for the past five years and contract information for same (names/addresses/telephone numbers). (Limit of ten prior projects similar in scope and size to the proposed project.)
- d) Demonstration of ability to perform work;
- e) Demonstrated record of successful past performance;
- f) Demonstrated conformance with applicable laws, codes, standards, regulations, and agreements on past projects;

- g) Project manager's experience;
- h) Project staffing plans, the skill levels of the proposed workforce, and the proposed safety plans for the project;
- i) Financial condition of the proposer, including a current or most recently audited financial statement of the private entity and each partner with an equity interest of ten percent or greater.
- j) Identification of any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from the project pursuant to the Virginia State and Local Government Conflict of Interest Act §2.2-3100.
- k) Identification of the proposed plan for obtaining sufficient numbers of qualified workers.
- l) For each private entity or major subcontractor that will perform construction or design activities, provide the following information:
 - A sworn certification by an authorized representative of the private entity attesting to the fact that the private entity is not currently suspended by any federal, state or local government entity.
 - A qualification statement that reviews all relevant information regarding technical qualification and capabilities, private entity resources and business integrity of the private entity, including bonding capacities, insurance coverage and private entity equipment. This statement shall also include mandatory disclosure for the past five years of any bankruptcy filings, liquidated damages, assessments, penalties, judgments, contract defaults, license revocations, findings of non-responsibility safety past performance data, violations of any criminal or civil laws, criminal indictments, or claims filed by or against the firm.
- m) Worker safety programs including incident investigation and reporting procedures.

2. Project Characteristics (20 points)

Factors to be considered in determining the project characteristics include:

- a) Project description including conceptual design in sufficient detail so that the type and intent of the project are clearly identified.
- b) Proposed project schedule including time for City review and contingency plans for addressing needs in the event the project is not completed according to the projected schedule;

- c) Operation of the project including description of any work to be performed by the City;
- d) Technology; technical feasibility;
- e) Conformity to laws, regulations, and standards;
- f) Identification of any anticipated adverse and positive social, economic and environmental impacts of the project;
- g) Allocation of risk and liability for work completed beyond the Comprehensive Agreement's completion date, and assurances for timely completion of the project;
- h) List of all federal state and local permits and approvals required.

3. Project Financing (20 points)

Factors considered in determining whether the proposed project financing allows adequate access to the necessary capital to finance the project include the following:

- a) Cost and cost benefits to the City;
- b) Financing and the impact on the debt burden of the City;
- c) Financial plan for the development, financing and operation of the project showing the anticipated schedule on which funds will be required;
- d) Life-cycle cost analysis;
- e) Identification of proposed risk factors and methods for dealing with these factors;
- f) Preliminary estimate of cost and estimating methodology;
- g) Identification of any aspects of the project that could disqualify the project from obtaining tax-exempt financing.

4. Project Benefit and Compatibility (20 points)

Factors considered in determining the proposed project's compatibility with the City's comprehensive or development plans include the following:

- a) Community benefits, including the economic impact the project will have on the City in terms of amount of tax revenue generated for the City, the

number of jobs generated for area residents, and level of pay and fringe benefits of such jobs, and the number and value of subcontracts generated for area subcontractors;

- b) Anticipated community support or opposition, or both;
- c) Public involvement strategy;
- d) Compatibility with existing and planned facilities;
- e) Compatibility with City, regional, and state economic development efforts;
- f) Compatibility with the City's land use and transportation plans.

5. Other Factors (20 points)

- a) The proposed cost of the qualifying project;
- b) The general reputation, industry experience, and financial capacity of the private entity;
- c) The proposed design of the qualifying project;
- d) The eligibility of the project for accelerated documentation, review, and selection;
- e) Benefits to the public, including financial and nonfinancial;
- f) The private entity's compliance with a minority business enterprise participation plan or good faith effort to comply with the goals of such plan;
- g) The private entity's plans to employ local contractors and residents;

VI. Copies of Unsolicited Proposal

The submitter of the unsolicited proposal, Hopewell Nutrient Partners, has designated portions of its proposal as confidential proprietary information exempt from release under the Virginia Freedom of Information Act. Copies of those portions of the unsolicited proposal not so designated are available from the Office of the City Manager, Room 218, Municipal Building, 300 North Main Street, Hopewell, Virginia 23860, 804-541-2249, or by accessing materials via the "PPEA" tab on the City's website at <http://www.hopewellva.gov>.